

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESLEE MARIE KINSEY,

Defendant.

CR 21–42–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on August 26, 2021. (Doc. 52.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Defendant Leslee Marie Kinsey’s guilty plea after Kinsey appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered a guilty plea to one count of bank

fraud, in violation of 18 U.S.C. § 1344 (Count X) and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1) (Count XVI), as set forth in the superseding indictment. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 52) is ADOPTED in full.

IT IS FURTHER ORDERED that Kinsey's motion to change plea (Doc. 47) is GRANTED and Kinsey is adjudged guilty as charged in Counts X and XVI of the superseding indictment.

DATED this 14th day of September, 2021.



Dana L. Christensen, District Judge
United States District Court